



FW/AF

Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 3700

PATENT  
ATTORNEY DOCKET NO.: 049400-5027

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Osamu KATO et al.	)	Confirmation No.: 1776
	)	
Application No.: 10/776,637	)	Group Art Unit: 3767
	)	
Filed: February 12, 2004	)	Examiner: Deanna K. Hall
	)	
For: HOLLOW TUBE BODY FOR MEDICAL	)	
TOOL AND A CATHETER INTO	)	Mail Stop AF
WHICH THE HOLLOW TUBE BODY IS	)	
INCORPORATED	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop AF**  
Alexandria, VA 22314

Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.116 TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment Under 37 C.F.R. § 1.116 responding to the Final Office Action dated October 10, 2008.
2. Additional papers enclosed:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Drawings: <input type="checkbox"/> Formal <input type="checkbox"/> Informal (Correction) |
| <input type="checkbox"/> | Information Disclosure Statement   |
| <input type="checkbox"/> | Form PTO-1449, _____ references included   |
| <input type="checkbox"/> | Citations  |
| <input type="checkbox"/> | Declaration of Biological Deposit  |
| <input type="checkbox"/> | Others   |

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input type="checkbox"/> three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> four months	\$ 1,730.00	\$ 865.00
<input type="checkbox"/> five months	\$ 2,350.00	\$1,175.00

☐ An extension for \_\_\_\_ month(s) has already been secured and the fee paid therefore of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$ 0.00.

☐ An extension for \_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	4	minus	20	0	x \$52 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$220 each=	+ \$
[ ] First presentation of Multiple dependent claim(s)					\$390.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge \$      for the      -month extension of time fee due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**Dated: January 9, 2009By: 

Sumiyoo Onda

Reg. No. 62,166

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**AMENDMENT UNDER 37 C.F.R. § 1.116**

In response to the Final Office Action dated October 10, 2008, the period for reply extends through January 10, 2008, entry of the following remarks is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.